

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

WILHELMSSEN PREMIER MARINE FUELS AS

07 Civ. 5798 (CM)

Plaintiff,

against

UBS PROVEDORES PTY LTD. AND
RAECORP INTERNATIONAL PTY LTD.,

**ATTORNEY CERTIFICATION
OF JEANNE-MARIE
VAN HEMMEN**

Defendants

X

Jeanne-Marie Van Hemmen, hereby certifies, under penalty of perjury, that:

1. I am a partner at the law firm Betancourt, Van Hemmen, Greco & Kenyon, which represents Defendants UBS Provedores Pty. Ltd. and Raecorp. International Pty. Ltd. in the captioned matter. I am responsible for the handling of this file and am, therefore, fully familiar with the facts and circumstances before this Court. I submit this certification in support of UBS' and Raecorp's motion to vacate the Rule B attachment against UBS and Raecorp property in this district.
2. Attached as Exhibit 1 is a true and correct copy of Wilhelmsen Premier Marine Fuels' website page located at www.wilbunkers.com.
3. Attached as Exhibit 2 is a true and correct copy of Wilhelmsen Maritime Services' website page, located at www.wv-group.com. Wilhelmsen Maritime Services' website page provides a description of its affiliate, Wilhelmsen Premier Marine Fuels, and a link to its website.
4. Attached as Exhibit 3 is a true and correct copy of an email sent to me by Plaintiff's counsel informing me that Citibank was holding a wire transfer it received for the benefit of USS-UBS International ("UBS") in the amount of \$210,795.94 pursuant to the process of attachment in this

matter

5. Attached as Exhibit 4 is a true and correct copy of an email sent to me by Plaintiff's counsel informing me that Citibank was holding a wire transfer it received for the benefit of UBS in the amount of \$289,378.30 pursuant to the process of attachment in this matter.

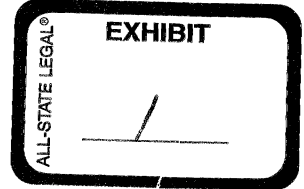
6. Attached as Exhibit 5 is a true and correct copy of an email sent to me by Plaintiff's counsel informing me that Citibank was holding a wire transfer it received for the benefit of UBS in the amount of \$2,619.67 pursuant to the process of attachment in this matter.

7. Attached as Exhibit 6 is a true and correct copy of an email sent to me by counsel for JP Morgan Chase Bank informing me that JP Morgan Chase was currently restraining wires in the following amount: \$275,399.85, \$68,865.12, \$68,865.12, and \$29,610.37.

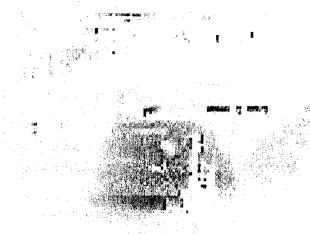
8. Attached as Exhibit 7 is a true and correct copy of a July 25, 2007 letter from Plaintiff's counsel sent to UBS' Australian counsel, Mr. Adrian Dore, stating, inter alia, that HSBC was restraining \$68,885.12 of funds belonging to UBS.

Pursuant to 28 United States Code §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed in Red Bank, NJ on September 17, 2007.

_____/s/_____
Jeanne-Marie Van Hemmen (JV 6414)



Wilhelmsen Bunkers



Wilhelmsen Bunkers AS

Office: Strandveien 20, Lysaker, Norway

Mail: P.O. Box 33, NO-1324, Lysaker, Norway

E-mail: wilbunkers@wilbunkers.com

Telephone: +47 67 58 42 66

Telefax: +47 67 58 42 98

Telex: 76 886

Enterprise No: NO 810 006 862 MVA

BUNKER BROKERS & TRADERS WORLDWIDE

Wilhelmsen Bunkers as, a fully owned subsidiary of Wilh. Wilhelmsen ASA, aims to be the leading, independent, global bunker broker providing added value bunker services world wide .

Wilhelmsen Bunkers as is the leading bunker broking company in Norway, and has an affiliate office in Singapore. The company serves a wide variety of international ship-operators, including world wide liner, tramp and tanker services, offshore and fishing fleets, coastal transport, as well as many of the worlds cruise vessels. Our clients are carefully selected from the international shipping scene.

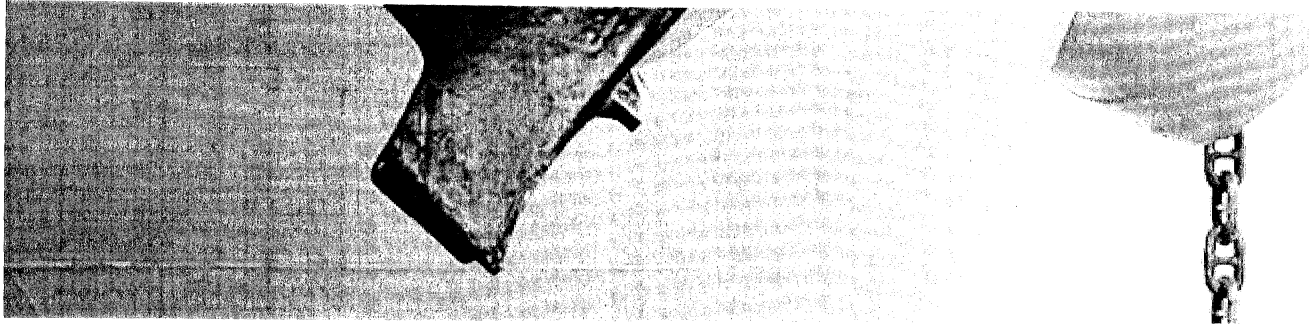
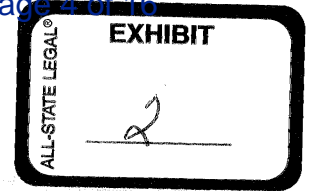
Wilhelmsen Bunkers as enjoys an excellent reputation in the industry for its know-how, professional acumen and payment performance. The company enjoys credit facilities with hundreds of suppliers world wide, including all the major suppliers.

Wilhelmsen Bunkers as is an important customer in its own right as a sizeable buyer of bunkeroils worldwide, further benefiting our customers either in its capacity as a broker or as a trader.

Wilhelmsen Bunkers as is staffed with highly competent individuals possessing extensive commercial and technical experience in the shipping and bunker business.

Being part of a large shipping organisation, Wilhelmsen Bunkers as. has access to general shipping expertise in addition to the latest updates of port/cost conditions through more that 180 affiliated Barwil Agencies offices world wide.

Wilhelmsen Bunkers as is an ISO 9002 quality certified company.



This business area encompasses Wilhelmsen Insurance Services, Marine Transaction Services and Wilhelmsen Premier Marine Fuels.

Wilhelmsen Insurance Services

Wilhelmsen Insurance Services handle property insurance (Hull & Machinery), third party liability insurance (Protection & Indemnity) and special risks to meet clients' specific needs. Insurances are taken out with reputable underwriters in all recognised insurance markets at competitive prices. Marine claims handling and in certain cases cargo claims handling are included.

» Link to Wilhelmsen Insurance Services

Marine Transaction Services

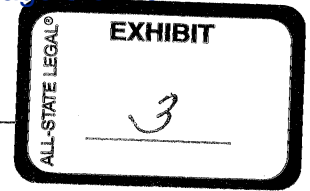
Marine Transaction Services offers the new generation e-business solutions for the international maritime industry - trade on contracts, logistics and data management. Enables electronic trading with all suppliers and vice versa.

» Link to Marine Transaction Services' web site

Wilhelmsen Premier Marine Fuels

Wilhelmsen Premier Marine Fuels offers bunker brokerage and consultancy as well as bunker trading and hedging services. Seven to eight million tons of bunker oil is handled per annum, making it one of the world's largest companies of its kind.

» Link to Wilhelmsen Premier Marine Fuels

Main Identity (JMVH)

From: <michael.frevola@hklaw.com>
To: <jvanhemmen@bvgklaw.com>
Sent: Friday, August 10, 2007 11:42 AM
Subject: FW: NOTICE OF PAYMENT REC'D BY CITIBANK RE: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd., 07-5798 PMAG

Dear Jeanne-Marie:

As discussed, I attach below the notice of attachment received from Citibank regarding the attachment today.

Best regards,
Mike Frevola

*Michael J. Frevola
Holland & Knight LLP*

From: Mihalik, Mary B [mailto:mary.b.mihalik@citi.com]
Sent: Friday, August 10, 2007 9:54 AM
To: Ramos, Elvin (NYC - X73590); Frevola, Michael (NYC - X73516)
Subject: NOTICE OF PAYMENT REC'D BY CITIBANK RE: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd., 07-5798 PMAG
Importance: High

Mike,

Please be advised that we have received a payment for the benefit of **USS-UBS International** in the amount of \$210,795.94. We will continue to hold this payment until further notice from you.

NOTE TO FTN UNIT: We continue to hold this payment...thanks, mary

0000 00GCNBUFAIAXXX00000
1437 09GCNPPEFKAXXX00000
100 02
:20:0507080910000124
:32A:070810USD210795,94
:50:DFAS-AT OCD/CO
P.O. BOX 182267
COLUMBUS, OHIO 43218-2267 USA
00006355,SPF600-07-D-0000/OM20-221
:57A:NATAAU3303M
:59:/465073883
USS-UBS INTERNATIONAL
:70:VOUCHER#

9/17/2007

:71A:OUR
-

Mary B. Mihalik, AVP
Citi Markets & Banking
Office of the General Counsel
388 Greenwich Street / 17th Floor
New York, NY 10013
tel: 1-212-816-6182
fax: 1-866-560-0633
mary.b.mihalik@citi.com

-----Original Message-----

From: elvin.ramos@hklaw.com [mailto:elvin.ramos@hklaw.com]

Sent: Thursday, August 09, 2007 5:09 PM

To: aebpmag@zeklaw.com; Mihalik, Mary B [CMB-GCO]; jennifer.paley@ubs.com;
maritime.attachments@wachovia.com; reisert@navlaw.com;
johanna.vargas@us.standardchartered.com; lynne.britt@us.fortis.com;
lauren.maier@us.fortis.com; lpiechocki@mw-law.com; john.bardakjy@sgcib.com;
joneill@cbkna.com; acole@cbkna.com.; pmag@zeklaw.com;
pmag@americas.bnpparibas.com; nmorton@btmna.com; yroman@us.mufg.jp;
yholland@us.mufg.jp; mildred.cuevas@leumiusa.com; carlos.cabralles@leumiusa.com;
errickf@bpop.com; tdaniels@cbkna.com

Subject: Wilhelmsen Premier Marine Fuels AS v. UBS Proveedores Pty Ltd., 07-5798
PMAG

<<07_5798_writ__Jun_29_2007_17_07_05_565.pdf>>

<<07_5798_order_atth__Jun_29_2007_17_05_59_67.pdf>>

Dear Ladies and Gentlemen:

Attached are copies of the following documents:

1. Writ of Attachment and Garnishment;
2. Order for Issuance of a Writ of Attachment and Garnishment;

It is our understanding that you will accept service of the above documents by email after the initial service. If you have any questions, please contact me at (212) 513-3590.

Best regards,

Elvin

9/17/2007



Main Identity (JMVH)

From: <michael.frevola@hklaw.com>
To: <jvanhemmen@bvgklaw.com>
Sent: Wednesday, August 15, 2007 6:19 PM
Subject: FW: NOTICE OF PAYMENT REC'D BY CITIBANK RE: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd., 07-5798 PMAG

Dear Jeanne-Marie:

I am writing to advise of another wire transfer frozen in connection with this matter (details below).

Best regards,
 Mike Frevola

Holland & Knight LLP

Wilhelmsen & Frevola LLP
 Partner
 Holland & Knight LLP
 135 Broadway
 New York, New York 10038

Main 212 512 5100
 Direct 212 512 5100
 Fax 212 512 5100
 Email michael.frevola@hklaw.com

www.hklaw.com

ATTENTION: This e-mail is confidential, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) or entity(ies) named. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or forward it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client, and do not make any specific statements to that effect and do not disclose anything to third parties and are expected to hold in confidence. If you properly received this e-mail as a client, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

From: Mihalik, Mary B [mailto:mary.b.mihalik@citi.com]
Sent: Tuesday, August 14, 2007 3:31 PM
To: Ramos, Elvin (NYC - X73590); Frevola, Michael (NYC - X73516)

9/17/2007

Subject: NOTICE OF PAYMENT REC'D BY CITIBANK RE: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd., 07-5798 PMAG

Importance: High

Mike,

Please be advised that Citibank has received a payment for the benefit of "USS-UBS INTERNATIONAL" in the amount of \$ \$289,378.30.

NOTE TO FTM NOTE: Please continue to hold payment...thanks, mary

0000 00GCNBUFAIAXXX00000
1440 13GCNPPEFKAXXX00000
100 02
:20:0507081310000345
:32A:070814USD289378,30
:50:DFAS-ATOCDCO
P.O. BOX 182267
COLUMBUS, OHIO 43218-2267 USA
00006355,SPF600-07-D-0000/OM20-225
:57A:NATAAU3303M
:59:/465073883
USS-UBS INTERNATIONAL
:70:VOUCHER#
:71A:OUR

Mary B. Mihalik, AVP
Citi Markets & Banking
Office of the General Counsel
388 Greenwich Street / 17th Floor
New York, NY 10013
tel: 1-212-816-6182
fax: 1-866-560-0633
mary.b.mihalik@citi.com

-----Original Message-----

From: elvin.ramos@hklaw.com [mailto:elvin.ramos@hklaw.com]

Sent: Monday, August 13, 2007 9:12 AM

To: aebpmag@zeklaw.com; Mihalik, Mary B [CMB-GCO]; jennifer.paley@ubs.com;
maritime.attachments@wachovia.com; reisert@navlaw.com;
johanna.vargas@us.standardchartered.com; lynne.britt@us.fortis.com;
lauren.maier@us.fortis.com; lpiechocki@mw-law.com; john.bardakjy@sgcib.com;
joneill@cbkna.com; acole@cbkna.com.; pmag@zeklaw.com;
pmag@americas.bnpparibas.com; nmorton@btmna.com; yroman@us.mufg.jp;
yholland@us.mufg.jp; mildred.cuevas@leumiusa.com; carlos.cabralles@leumiusa.com;
errickf@bpop.com; tdaniels@cbkna.com

9/17/2007

Subject: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd., 07-5798
PMAG

<<07_5798_writ_Jun_29_2007_17_07_05_565.pdf>>
<<07_5798_order_atth_Jun_29_2007_17_05_59_67.pdf>>

Dear Ladies and Gentlemen:

Attached are copies of the following documents:

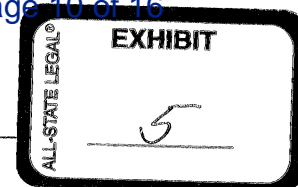
1. Writ of Attachment and Garnishment;
2. Order for Issuance of a Writ of Attachment and Garnishment;

It is our understanding that you will accept service of the above documents by email after the initial service. If you have any questions, please contact me at (212) 513-3590.

Best regards,

Elvin

9/17/2007



Main Identity (JMVH)

From: <michael.frevola@hklaw.com>
To: <jvanhemmen@bvgklaw.com>
Sent: Tuesday, September 11, 2007 5:08 PM
Subject: FW: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd., 07-5798 PMAG -- amended writ

Dear Jeanne-Marie:

I attach below a notice from Citibank of another small amount attached (\$2,619.67) that we received earlier this afternoon.

Best regards,
 Mike

Michael J. Frevola
 Holland & Knight LLP

From: Corner, Rodd [mailto:rodd.corner@citi.com]
Sent: Tuesday, September 11, 2007 3:24 PM
To: Green, Rudy (NYC - X73591); Frevola, Michael (NYC - X73516); Honan, Bill (NYC - X73300)
Subject: RE: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd., 07-5798 PMAG -- amended writ
Importance: High

Please be advised that Citibank has received a payment for the benefit of **USS-UBS International** in the amount of \$2619.67 (\$2,644.67 minus \$25 fee). We will continue to hold this payment until further notice from you.

NOTE TO FTN UNIT: Please continue to hold this payment....thanks, Rodd

CAR9892

NYFTA

.NYSIDCB 100527

TEST NR

0527 10CITIUS33AXXX39245

0527 10CITIMYKLAXXX00000

103 02

9/17/2007

:20:3147253011/0

:23B:CRED

:32A:070910USD2644,67

:33B:USD2654,62

:50K:/0115737015

BARWIL WESTEXT SDN BHD

1 SENTRAL, 18TH FLOOR,

JLN TRAVERS,

KUALA LUMPUR SENTRAL,

:52D:BARWIL WESTEXT SDN BHD

:57A:NATAAU33033

:59:/465073883

USS-UBS INTERNATIONAL

:70:REFUND OF CREDIT BALANCE.

RATE CONFIRMED BY MISS PIK YENG.

:71A:BEN

:71F:USD0,00

Rodd Corner
Citi
Office of the General Counsel
388 Greenwich St, 17th Floor
New York, NY 10013
Tel: 212-816-3049
Fax: 646-291-1533

-----Original Message-----

From: rudy.green@hklaw.com [mailto:rudy.green@hklaw.com]

Sent: Monday, September 10, 2007 9:00 AM

To: Diana.Serna@us.fortis.com; aebpmag@zeklaw.com; Mihalik, Mary B [CMB-GCO];
jennifer.paley@ubs.com; maritime.attachments@wachovia.com; reisert@navlaw.com;

9/17/2007

johanna.vargas@us.standardchartered.com; lynne.britt@us.fortis.com;
lauren.maier@us.fortis.com; lpiechocki@mw-law.com; john.bardakjy@sgcib.com;
joneill@cbkna.com; acole@cbkna.com.; pmag@zeklaw.com;
pmag@americas.bnpparibas.com; nmorton@btmna.com; yroman@us.mufg.jp;
yholland@us.mufg.jp; mildred.cuevas@leumiusa.com; carlos.cabralles@leumiusa.com;
errickf@bpop.com; tdaniels@cbkna.com.; Corner, Rodd [CMB-GCO]

Subject: Wilhelmsen Premier Marine Fuels AS v. UBS Proveedores Pty Ltd., 07-5798
PMAG -- amended writ

<<SDNY 07cv5798 amended writ.pdf>> <<SDNY 07cv5798 -- Order for Issuance of
Amended Writ of Attachment.pdf>>

Dear Ladies and Gentlemen:

Attached are copies of the following documents:

1. Amended Writ of Attachment and Garnishment;
2. Order for Issuance of an amended Writ of Attachment and Garnishment;

It is our understanding that you will accept service of the above documents by email after the initial service. If you have any questions, please contact me at (212) 513-3591.

Best regards,

- Rudy Green

Holland & Knight LLP

Rudy B. Green
Managing Counsel
Holland & Knight LLP

9/17/2007

Hick, Thomas & Knight LLP

New York, NY 10017-1099

Main 212-633-1000

Direct 212-633-1000

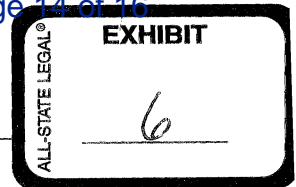
Fax 212-633-1000

Email info@hklaw.com

www.hklaw.com

NOTICE: This e-mail belongs to the firm, Hick, Thomas & Knight LLP ("HTK"), and is intended solely for the individual(s) named in the header. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or distribute it to anyone else. If you are not an existing client of HTK, do not discuss anything in this e-mail to make you a client unless it contains a specific statement to that effect, and do not disclose anything to HTK in reply that you expect it to hold in confidence. If you are a past or present client of HTK, you are notified that this e-mail is confidential in order to preserve the attorney-client privilege and protect your right to confidentiality.

9/17/2007

**Main Identity (JMVH)**

From: "Kevin McGee" <KMcGee@rawle.com>
To: <jvanhemmen@bvgklaw.com>
Cc: <Norberto.B.Bonga@jpmchase.com>; <Johnette.Reid@jpmchase.com>; <Teresa.J.Goldberg@chase.com>; "Carl Buchholz" <CBuchholz@rawle.com>; "Lilian Philiposian" <LPhiliposian@rawle.com>; <michael.frevola@hklaw.com>
Sent: Friday, September 14, 2007 4:05 PM
Subject: FW: Wilhelmsen Premier Fuels v. UBS Provedores Pty Ltd, SDNY: 07-5798

Ms. Van Hemmen,

Pursuant to your request, please be advised that JP Morgan Chase is presently restraining wires in the following amounts in this matter:

7/20/07 \$ 29,610.37
7/20/07 \$275,399.86
7/20/07 \$ 68,865.12
7/23/07 \$ 68,865.12

While we appreciate the urgency of your request, we would respectfully ask that in the future you refrain from directly contacting our clients.

Very Respectfully,

Kevin L. McGee, Esquire
Rawle & Henderson, LLP
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4431 - Phone
215-563-2583 - Fax

-----Original Message-----

From: Jeanne-Marie Van Hemmen [mailto:jvanhemmen@bvgklaw.com]
Sent: Friday, September 14, 2007 3:34 PM
To: Norberto.B.Bonga@jpmchase.com; Johnette.Reid@jpmchase.com; teresa.j.goldberg@chase.com
Cc: cbuckholz@rawle.com; Lilian Philiposian; michael.frevola@hklaw.com
Subject: Wilhelmsen Premier Fuels v. UBS Provedores Pty Ltd, SDNY: 07-5798

Dear Mssrs Bonga, Reid and Goldberg,

We are attorneys representing UBS Provedores Pty Ltd and Raecorp. International in the referenced matter. We understand JP Morgan Chase garnished a number of funds transferred through the bank since July, 2007.

We require a statement of all the funds garnished to date in connection with UBS' and

9/17/2007

Raecorp's emergent application with the Court that will be filed on Monday, September 17, 2007. We attempted to reach your attorneys at Rawle Henderson in connection with our request but have not had success reaching them. Given the time constraints, we felt compelled to reach out directly to you. Your assistance in this matter is greatly appreciated. My telephone number is (732) 530-4646 should you have any questions.

Very Truly Yours,

Betancourt, Van Hemmen, Greco & Kenyon

By Jeanne-Marie Van Hemmen

This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, is prohibited and may be unlawful.

9/17/2007

Holland+KnightTel 212 513 3200
Fax 212 385 9010Holland & Knight LLP
195 Broadway, 24th Floor
New York, NY 10007-3189
www.hklaw.comMichael J. Frevola
212 513 3516
michael.frevola@hklaw.com

July 25, 2007

VIA E-mailNR BARBI Solicitor
15/900 Brunswick Street
New Farm Qld 4005
Australia
Att: Adrian Dore, Esq.Re: Wilhelmsen Premier Marine Fuels AS v. UBS Provedores Pty Ltd.
SDNY Docket #: 07 Civ. 5798 (CM)
Our File: 500177-03213

Dear Sirs:

We are counsel for plaintiff Wilhelmsen Premier Marine Fuels AS ("Wilhelmsen") in the referenced matter. It is our understanding that you are Australian counsel for UBS Provedores Pty Ltd. ("UBS"), the defendant in the referenced matter. If you are not counsel for UBS, please advise us accordingly and we will send this correspondence directly to UBS.

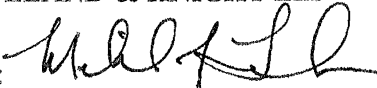
We write to advise that Wilhelmsen has attached the approximate sum of \$68,000 frozen by HSBC on July 19, 2007, the amount of \$68,865.12 frozen by JPMorgan Chase on July 20, 2007, and the amounts of \$29,610.37 and \$275,399.86 frozen by JPMorgan Chase on July 23, 2007. We attach copies of the notices we have received concerning the JPMorgan Chase attachments; we have not yet received correspondence from HSBC regarding the exact amount of that attachment.

The attachment of these funds was effected in connection with the above-referenced matter, which involves a claim by Wilhelmsen for fuel/bunkers purchased by UBS. We enclose a copy of the Summons, Verified Complaint, Order of Attachment and Writ of Attachment for your reference.

Should UBS not appear in the above-referenced proceeding, we will seek a default against UBS and execute on the attached funds.

Very truly yours,

HOLLAND & KNIGHT LLP

By: 

Michael J. Frevola

cc: **Via E-mail**Carl Buchholz, Esq.
Rawle & Henderson, LLP
Counsel for JPMorgan Chase Bank